

**SENATE JOURNAL
62ND LEGISLATURE
TWELFTH LEGISLATIVE DAY**

Helena, Montana
January 17, 2011

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Gallus, excused, SD 6 vacant. Quorum present.

BILLS AND JOURNALS:

1/17/2011

Correctly printed: **SB 4, SB 16, SB 27, SB 30, SB 49, SB 59, SB 63, SB 67, SB 87, SB 124.**
Correctly engrossed: **SB 112.**

LEGISLATIVE ADMINISTRATION (Brown, Chairman):

1/17/2011

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Friday, January 14, 2011:

TITLE

NAME

| | |
|--------|--------------------------|
| Pages: | Teryn Green, Anaconda |
| | Nathan Stenson, Billings |
| | Tim Koenig, Kalispell |
| | Caleb Laszloffy, Laurel |

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 17, 2011:

TITLE

NAME

| | |
|--------|----------------------------|
| Pages: | Tiffany Morgan, Columbus |
| | Caitlin Berg, Helena |
| | Mikaela Koski, Columbus |
| | Carissa Krueger, Kalispell |

Report Adopted.

Senator Gallus present.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Murphy, Chairman):
SB 73, introduced bill, be amended as follows:

1/14/2011

1. Page 3, line 1 through line 2.

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Following: "may" on line 1

Strike: "meet" through "20-7-424" on line 2

Insert: "also meet its obligation by coordinating appropriate services with the resident's school district of residence, the local high school district, or both"

And, as amended, do pass. Report adopted.

SB 152, do pass. Report adopted.

JUDICIARY (Shockley, Chairman):
SB 68, introduced bill, be amended as follows:

1/17/2011

1. Page 3, line 21.

Following: "provided in"

Strike: "subsection"

Insert: "subsections (2) and"

2. Page 3, line 29.

Following: "61-7-103"

Strike: """

Insert: "or"

Following: "61-7-105"

Strike: ", or 61-7-108"

3. Page 4, line 3.

Following: "61-7-103"

Strike: """

Insert: "or"

Following: "61-7-105"

Strike: ", or 61-7-108"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/14/2011

HB 41, introduced by Stahl

HB 60, introduced by MacLaren

HB 74, introduced by Schmidt

MOTIONS

Senator Essmann moved **SB 57** be re-referred from the Second Reading calendar to the Finance and Claims committee.

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Senator Gallus moved **SB 119** be moved from the Fish and Game committee to the Local Government committee.

Senator Tutvedt moved **SB 173** be moved from the Fish and Game committee to the Local Government committee.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 178, introduced by Murphy, Hale, Roberts, Windy Boy, Stewart-Peregoy, Hutton, Arthun, Augare, referred to Business, Labor, and Economic Affairs.

SB 179, introduced by Wittich, Shockley, Jent, Debby Barrett, Moore, Hinkle, Rosendale, O'Hara, Flynn, Ripley, O'Neil, Blasdel, C. Smith, Walker, Stewart-Peregoy, Hollenbaugh, Zinke, Noonan, Hawks, Hendrick, Skattum, Sonju, Erickson, Murphy, K. Peterson, Hutton, Vincent, Fitzpatrick, Skees, Blewett, Facey, Hansen, referred to Highways and Transportation.

SB 180, introduced by Sonju, referred to Local Government.

SB 181, introduced by Van Dyk, referred to State Administration.

SB 182, introduced by Van Dyk, referred to State Administration.

SB 183, introduced by Brown, Walker, Zinke, Essmann, Tutvedt, Jones, Lewis, Moore, Olson, Arthun, J. Peterson, Branae, referred to Local Government.

SB 184, introduced by Van Dyk, Balyeat, referred to Fish and Game.

SB 185, introduced by Wanzenried, MacDonald, McClafferty, Rosendale, Cook, Wilmer, Augare, Sesso, C. Williams, Steinbeisser, Gibson, Zinke, Larsen, Menahan, Kaufmann, Jent, Erickson, Tropila, Read, Skees, referred to Judiciary.

SB 186, introduced by Steinbeisser, referred to Business, Labor, and Economic Affairs.

SB 187, introduced by Shockley, Jent, referred to Judiciary.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 2, introduced by Shockley, referred to Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 23 - Senator Blewett moved **SB 23** do pass. Motion carried as follows:

Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Kaufmann, Keane, Larsen, Lewis,

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Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Arthun, Brenden, Jackson, Jones, Lake, Sonju, Vincent, Walker, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 36 - Senator Hamlett moved **SB 36** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 60 - Senator Gillan moved **SB 60** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: SD 6.

Total 1

SB 64 - Senator Steinbeisser moved **SB 64** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: SD 6.

Total 1

SB 78 - Senator Ripley moved **SB 78** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: SD 6.

Total 1

SB 95 - Senator Shockley moved **SB 95** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

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Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: SD 6.

Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Jent moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 27 passed as follows:

Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.

Total 43

Nays: Arthun, Jackson, Jones, Lake, Walker, Zinke.

Total 6

Absent or not voting: None.

Total 0

Excused: SD 6.

Total 1

SB 30 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

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Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: SD 6.

Total 1

SB 49 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 41

Nays: Balyeat, Brenden, Lake, Murphy, Olson, Ripley, Vincent, Wittich.

Total 8

Absent or not voting: None.

Total 0

Excused: SD 6.

Total 1

SB 59 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: SD 6.

Total 1

SB 63 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: SD 6.

Total 1

SB 87 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Balyeat, Essmann.

Total 2

Absent or not voting: None.

Total 0

Excused: SD 6.

Total 1

SPECIAL ORDERS OF THE DAY

Sen. Brown introduced the Senate Pages for the week of January 17-22, 2011.

Sen. Augare and Sen. Essmann gave tributes to the Reverend Martin Luther King, Jr.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, January 18, 2011. Motion carried.

Senate adjourned at 1:39 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate